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NEW YORK, TUESDAY, FEBRUARY 26, 1907.

EVELYN THAW, IN TRYING DAY ON THE STAND, SHOWS MOTHER IN BAD LIGHT

HARRIMAN NOW EXPLAINS WHY HE BOUNCED FISH

Declares Before Interstate Commerce Commission that Illinois Central's Cash Was Placed with a Weak Concern to Pad Its Deposits.

After again defying the Interstate Commerce Commission and refusing to answer questions concerning a \$10,000,000 deal in Santa Fe Railroad stocks, in which he was interested with H. H. Rogers and H. C. Frick, E. H. Harriman to-day told why he had ousted Stuyvesant Fish from the presidency of the Illinois Central Railroad.

He declared that Fish had used the funds of the road to pad the deposits of the Trust Company of the Republic, and that he was forced to interfere in the interests of the railway.

This is the first time since the fight for the removal of Fish from the presidency of the Illinois Central began a year ago that the reasons for it were disclosed.

Mr. Harriman's statement created a big stir in the court-room. The declaration was made in face of hot opposition on the part of the Commission's lawyers, and some of the friends of Mr. Fish who were apparently in court and on the lookout for the springing of just such a coup by Mr. Harriman.

When the inquiry was resumed in the Federal Building Mr. Harriman took the stand and was examined further concerning the juggling of the Chicago and Alton Railroad, in which he, with George Gould, James Stillman and Mortimer Schick, were the principal stockholders. He admitted that he had received a \$100,000 commission for helping along that deal.

Mr. Harriman explained that the Union Pacific acquired a dominating interest in the Southern Pacific for the purpose of increasing its power in the effort to secure control of that corporation for "speculative purposes," and declared that he thought the commission of \$157,000 paid to William Rockefeller for buying and then selling back 30,000 shares of the stock was reasonable.

On the advice of his counsel Mr. Harriman refused to go into details of the purchase by himself, H. H. Rogers and H. C. Frick of \$100,000 Atchafalaya and Santa Fe stock.

A Slap at J. J. Hill. Concerning the efficiency of the Northern Pacific Mr. Harriman said he was convinced that as he had obtained control of the road it would have been developed along more intelligent lines than under the management of J. J. Hill and that the territory contiguous would have been benefited accordingly.

Mr. Harriman said that in ten years the Union Pacific had not only increased its efficiency to a great extent, but had reduced trans-continental rates about 15 per cent.

Mr. Kellogg produced reports by which he attempted to show that the Union Pacific had increased rather than decreased its rates, but Mr. Harriman offered records of the company to substantiate his contention. He made this statement in refutation of Mr. Kellogg's implied charge that both the Union Pacific and Southern Pacific had increased their rates per ton of freight carried since the combination, but that the two had been removed by his joint control.

Why News Was Held Back. Mr. Harriman explained at some length how it happened that a 5 per cent dividend on the Southern Pacific on the day it was declared. He said the Executive Committee did not meet until 3 P. M. and too late to make the announcement that day with a view to giving the London stock market the benefit of a prospective rise in the stock rather than the London stock market. He said the report was suppressed until the next morning by his express order.

This dividend of the Southern Pacific was the first ever declared on the stock and therefore unusual, Mr. Harriman said. It was the first dividend declared since the declaration of the dividend was made public without loss of time, as in the case of the Union Pacific. He said there was no stock holding reason behind the suppression of the news.

When Mr. Harriman was asked if he or any other directors of the company had taken advantage of the suppression of the dividend announcement to the public, his counsel instructed him not to answer the question.

"Decline to answer," responded Mr. Harriman in anticipation of the next question.

(Continued on Third Page.)

Jerome Did Not Do Much to Shake Her Remarkable Story on Cross-Examination, and Again He Failed on the Re-Cross.

ABE HUMMEL RETIRES UNDER FIRE OF OBJECTIONS.

His Testimony as to Statement Alleged to Have Been Signed by Evelyn Fails to Get In—Signature of Her Mother on Receipts for Money from White.

Late this afternoon Evelyn Thaw probably ended her remarkable ordeal on the witness stand in her defense of her husband, Harry Thaw, who is on trial for the murder of Stanford White.

She was called early to-day for a continuation of the cross-examination by Mr. Jerome, but the District-Attorney did not do much to shake the remarkable story that shocked the public when she first told it.

Mr. Delmas then took her in charge on redirect and adroitly but persistently led her along until she closed up every aperture made in the fabric of the defense.

Mr. Jerome again returned to the fray for the re-cross-examination, but she still held the fort, and after a labored effort to becloud her he gave up the struggle, and she stepped down smiling.

One of the experts was then sworn, but the Court decided to postpone further proceedings until to-morrow.

ABE HUMMEL FIRST CALLED.

Abe Hummel, lawyer, convicted of perjury, and who is suspended from the practice of his profession, was the first witness called to the stand to-day. It was expected that Hummel would raise all kinds of Old Ned with the story told of Evelyn Nesbit Thaw, but he was blocked at every point by the busy Mr. Delmas.

So Abe was asked to step down by Mr. Jerome, who was very much chagrined, and, apparently as a last desperate resolve, he recalled Evelyn Thaw.

From the maw of his black bag he fished out the young wife's own schoolgirl diary, written by her back in 1902, when she entered the De Milie Seminary over in New Jersey on money furnished by Stanford White. It had been put into his hands by that paragon of parents, Evelyn Thaw's own mother.

WANTED TO RIDICULE HER.

Jerome, with unctuous lingering, read the five extracts from the little book. Plainly he hoped by quoting the girl's words to cast a sinister shadow upon her viewpoint of life at that period—six months after she said Stanford White had wronged her in his room of many mirrors. What he did succeed in showing was that Evelyn Nesbit knew more about Broadway than most girls of sixteen know.

When he had got the diary into evidence and had asked a few final questions to close up some ragged ends of evidence, he announced that the cross-examination of Harry Thaw's wife was practically ended.

Then the Court took a recess. After recess she was again called to the stand and identified a few photographs of herself. Jerome then said her cross-examination was ended at last.

Delmas again took her in hand and showed by question after question that the girl's mother was living off the bounty of Stanford White at the time following the wrong she swore had been done to her by the architect.

HER STORY IS STILL UNSHAKEN.

Unless Jerome can yet get Abe Hummel's story into evidence—and he still hopes to do so—Evelyn Nesbit's testimony will stand practically undamaged. She had been on the stand already for five full days and part of another day, and she did more to save her husband's life than all the alienists on earth could have done. In its present aspects her shocking narrative has not been seriously impaired in any vital point.

A tiny little pickle of a man, warty on the head like a cucumber, slipped in the side door of the painted room where Thaw is on trial soon after court opened and buried himself between the spreading antlers of two oaken chair-arms.

He blinked unhappily in the glare of 400 boring eyes. He was Abe Hummel, attorney-at-law, who had become for the time being the most dominant figure in the great murder case.

Harry Thaw sidled from the tunnel-like corridor to his chair with his usual crablike gait, and brushing by Abe Hummel's chair almost tripped against the crossed legs of the little counsellor. Thaw carried a big bundle of letters and a roll of brown-covered documents, on which he constantly makes notes during the trial. All of his counsel had assembled, and they pointed out for him the unobtrusive little lawyer by whose testimony the State expects to disprove the denials of his wife. Thaw looked around at Hummel with a scowling scrutiny.

LYON IDENTIFIED THAW'S WILL.

Before bringing Hummel on the stand, District-Attorney Jerome

Evelyn Thaw in a Pose She Displayed To-Day in Court



Delmas Draws from Her Testimony Tending to Show White's Bounty to Mrs. Nesbit Provided for Their First Trip Abroad.

EXPLAINS MANY DOUBTFUL POINTS IN HER STORY.

Those Trips on the Yacht with Garland in Which "Mamma" Always Figured—Many Young Men Were Attentive to Her, but All Were Respectful.

"Yes." The answer was made huskily. "When did you first know her?" "In 1901 or 1902." "Did she come to your office on Oct. 27, 1903?" "She came there the latter part of October of that year."

The lawyer said he could fix the date exactly by referring to the memoranda. He said that he had met the girl first somewhere else than in his office.

Mr. Delmas objected to the witness refreshing his memory by referring to documents not in evidence. The Court sustained the technical objection, but allowed Mr. Hummel to say that the photographic copy of Mrs. Thaw's alleged affidavit did refresh his memory as to the date of Evelyn Nesbit's visit to his office when she is alleged to have made the statement charging the defendant with mistreating her in a German castle and also in Paris. "Can you now state at what date you saw Evelyn Nesbit in your office?"

REFRESHED HIS MEMORY.

"Yes." Mr. Hummel added that he had refreshed his memory without examining the photograph of the last page of the alleged affidavit. "Is your memory refreshed?" repeated Jerome. "How can it be?" objected Delmas. "He hasn't looked at the photograph yet."

Jerome contended that Hummel didn't need to, as a glance at it was sufficient, he having seen it before. The Court finally allowed Hummel to be refreshed, and being thus refreshed, but not looking at it, Hummel said Mrs. Thaw had called at his office on Oct. 27. Then Mr. Jerome asked: "Did Evelyn Nesbit make a statement to you on that day?"

"Yes."

Again the Frisco lawyer butted in with an objection, and Jerome had to make a speech, in which he explained that before he proved that Mrs. Thaw had made a statement to the witness which was embodied in a document later destroyed, he would first have to prove that such a document had existed.

Delmas answered this argument, and there was a lively wrangle between counsel. Jerome said: "If I should prove that Stanford White was in Europe on the night Mrs. Thaw declared she was wronged, that would not be allowed as a collateral fact, for Mrs. Thaw swore only to the fact that she told Thaw that on a certain night she was wronged."

"Therefore I could not traverse her statement, but after she has sworn that she never made any such statement as the one alleged, I consider that such a denial is a traversable fact by what I am seeking now to prove. I desire merely to prove the existence of this document, not the truth of it, for the purposes of cross-examination."

"I want to establish that she received this paper at this witness's office and then to cross-examine her on the absence of the original."

PHOTOGRAPH OF THE COPY.

The prosecutor had only the photograph of a copy in his possession. At last he (Jerome) was allowed to ask:

"On the next day after her (Evelyn's) visit to your office, did Schneider, your stenographer, show you a paper of which this is a photograph?" Jerome made over the question to include also a man named Jacobson, another stenographer in the Hummel office.

"Yes, one of them did," said Hummel.

Then Jerome showed Hummel a paper. "Is that a carbon copy of the paper which you say either Schneider or Jacobson gave you?"

Delmas objected and was sustained.

Then Jerome put it this way: "What became of the original paper which Schneider or Jacobson gave you on Oct. 25, 1903? To whom did you give it?"

Justice Fitzgerald ruled out the question and Hummel's answer was lost to history and to posterity in the grave of things unspoken.

Jerome tried to reframe the question so that it would satisfy the Justice's requirements. Up jumped Delmas with another objection. In fact, the little California lawyer scarcely sat down between protests, bobbing up at every word of interrogatory that left the prosecutor's lips.

Twice more Jerome tried to shape the all-important interrogation so that he could get it to Hummel and its answer to the jury. He wanted to have Hummel swear that he had seen Evelyn Thaw burn the original. But stony Delmas, late of Frisco, barred the way. His shifting objections were good and valid ones—so the Court thought. Finally Jerome, despairing of making headway on a single track, slammed his documents down on the table with the exclamation:

"Then we will have to excuse this witness for the time being. We will call Mr. Hummel's stenographer and notary."

GLAD TO SLIP OUT OF IT.

Right gladly the hero of the Dodge-Morse divorce scandal slid out of sight behind the jury box, and as the bailiff droned out "Abraham Schneider," a stout, pump, dark young man came from the witness-room and took the oath.

Schneider didn't linger long in the public eye either.

Schneider said that he was a lawyer, and that he had been employed by Abraham Hummel on Oct. 27 of 1903. He was also a notary.

"Did you go to the tower of Madison Square Garden on the night of Oct. 27 and see Evelyn Nesbit sign a paper there?"

"I did."

Jerome started to frame another question, but, looking the way of the chronically protesting little Delmas, he seemed discouraged, and said:

"That is all."

The lawyer-notary slid down from the witness-chair. Clerk Penny called the name of Evelyn Nesbit Thaw. She tripped out from behind the jury-box, fresh and smiling, and displayed more color in her cheeks than

called the Court's attention to the fact that he had received a letter from J. Deniston Lyon, of the Lincoln National Bank, of Pittsburg, in which Mr. Lyon said he had been instructed by Mr. Hartridge, of Thaw's counsel, not to send to New York as evidence any letters of the defendant written since June 25 last, the day of Stanford White's murder.

Mr. Lyon was a witness for the defense. On the stand two weeks ago he identified Thaw's will, which he said was entrusted to his custody. He also mentioned having considerable correspondence of the prisoner in his custody which he said he was willing to send to the court.

It developed that Jerome and Hartridge misunderstood their agreement as to what letters the Pittsburg banker was to send. The Prosecutor and Mr. Hartridge mutually accused each other of bad faith and their remarks reached a phase of acrimony that called down a rebuke from the Court.

In order to prove Mr. Hartridge guilty of backing down on his agreement the Prosecutor read about fifteen pages from a transcript of the testimony in which he (Jerome) had talked about 4,000 words. Then he called out in a clear voice: "Abraham Hummel."

SWARM OF LAWYERS BARRED OUT.

The corridors about the main rotunda of the Criminal Courts Building had the appearance of harboring a convention of all the bar associations of New York. Lawyers of every grade in the city swarmed to the tribunal to hear what Delmas for the defense would do to Abe Hummel on cross-examination.

The members of the Centre Street Bar Association stormed the police lines, claiming privilege from the fact that they practised exclusively in the Criminal Court. The Essex Market Bar Association was represented by a sprinkling of east side barristers, headed by "Rosie the Lawyer," who waved ponderous letters of introduction issued by Judge Rosalsky's lieutenant, Martin Engel.

Doorman Jimmy Owens informed the clamoring attorneys that their passes were as good as Chinese laundry tickets, whereupon he flung the importunate pleaders out into the still marble hall.

Lawyers of higher brow who had notes from Supreme Court justices and high officials fared little better unless conducted by flying squadrons of Assistant District-Attorneys or vouched for by Clerk Carroll, of General Sessions.

There was the usual stampeding, crushing throng of male muck-rakers, but by the time they reached Cerberus Owens the legal fraternity had invested the court-room, and some were crowded two in a seat. There were distinguished representatives of well-known divorce mills among those present.

Hummel Is Blocked By Delmas Objections.

The District-Attorney began the proceedings to-day by showing to his old-time foe, Abe Hummel, the paper from which Jerome had read on yesterday the alleged affidavit of Evelyn Nesbit, made in 1903 at Stanford White's instigation against Harry Thaw.

"Do you know Evelyn Nesbit Thaw," inquired Jerome.